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ORDINANCE CREATING AND REGULATING THE PRIVY COUNCIL.

Whereas We deem it expedient to consult personages who have rendered signal services to the State, and to avail Ourselves of their valuable advice on matters of State, We hereby establish Our Privy Council, which shall henceforth be an institution of Our supreme counsel; and We hereby also give Our Sanction to the present Ordinance relating to the organization of the said Privy Council and to the Regulations of the business thereof, and order it to be promulgated.
(The Imperial Sign-Manual)

ORGANIZATION OF THE PRIVY COUNCIL

Chapter I

Constitution

Article I. The Privy Council shall be the place at which it will be the Emperor's pleasure to attend and there hold consultation on important matters of State.

Article II. The Privy Council shall be composed of a President, a Vice-President, twenty-four Councillors, a Chief Secretary and Secretaries. The number of full-time Secretaries shall be fixed at three.

Article III. The President, Vice-President, and Councillors of the Privy Council shall be of Shinnin rank, the Chief Secretary of Chokunin rank, and the Secretaries of Sonin rank.

Article IV. No one who has not reached the fortieth year of his age shall be eligible to be appointed President, Vice-President or a Councillor of the Privy Council.

Article V. There shall be one full-time Private Secretary of the President in the Privy Council, who shall be of Sonin rank.

Article V-2. There shall be one full-time Associate Secretary in the Privy Council, who shall be of Sonin rank.

Chapter II

Functions

Article VI. The Privy Council shall hold deliberations, and present its opinions to the Emperor for his decision on the under-mentioned matters:-

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1. Matters which are under the jurisdiction of the Privy Council according to the Constitution and the Imperial Household Ordinances, and Ordinances that are especially referred to the Privy Council by the Emperor.

2. Drafts and doubts with reference to the Articles of the Constitution.

3. Laws and Imperial Ordinances incidental to the Constitution.

4. Amendment of the organization and the regulations for the conduct of business of the Privy Council.

5. Imperial Ordinances as provided for in Articles 8 and 70 of the Constitution.

6. Conclusion of international treaties.

7. Proclamation of martial law as provided for in Article 14 of the Constitution.

8. Important Imperial Ordinances concerning education.

9. Important Imperial Ordinances concerning the organization of various branches of administration and other official regulations.

10. Imperial Ordinances concerning the causes of honors and amnesty.

11. Matters other than those listed in the preceding numbers and especially referred to the Privy Council by the Emperor.

VII. (deleted).

Article VIII. Though the Privy Council is the Emperor's highest resort of counsel it shall not interfere with the executive.

Chapter III

Deliberations and Business

Article IX. The deliberations of the Privy Council cannot be opened unless ten or more Privy Councillors are present at the time.

Article X. The deliberations of the Privy Council shall be presided over by the President. When the President is prevented from doing so

by unavoidable circumstances, the Vice-President shall preside over the deliberations; and in case the Vice-President is also prevented they shall be presided over by one of the Privy Councillors according to the order of their precedence.

Article XI. The Ministers shall be entitled by virtue of their office to sit in the Privy Council as Councillors, and shall have the right to vote. The Ministers may send their representatives to the deliberations of the Privy Council, who shall have the right to there make speeches and explanations, but such representatives shall not have the right to vote.

Article XII. Debates in the Privy Council shall be decided by a majority of the members present. In case of an equal division of votes the presiding official shall have the deciding vote.

Article XIII. The President shall have the supreme control of all the business of the Privy Council and shall sign every official document proceeding from the Council.

The Vice-President shall assist the President in the discharge of his duties.

Article XIV. The Chief Secretary shall manage all ordinary business of the Privy Council, under the direction of the President, shall countersign every official document issuing from the Privy Council, shall investigate matter to be submitted to deliberation, shall prepare reports, and shall have a seat in the assembly during deliberations that he may offer needed explanations, but he shall not have the power to vote.

The Secretaries shall take minutes of the proceedings, and shall assist the Chief Secretary in the discharge of his duties. When the Chief Secretary is prevented from discharging his duties, one of the Secretaries shall represent him therein.

In the minutes referred to in the preceding Paragraph, there shall be mentioned the names of those present at the proceedings, the essential points of the matters that have been under discussion, of questions that have been propounded and of replies that have been made thereto, and of decisions arrived at.

Article XIV-2. The Private Secretary of the President shall take charge of affairs of the Secretariat of the President.

Article XIV-3. The Associate Secretary shall take charge of affairs by order of his superiors.

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Article XV. Except in special cases, no deliberation can be opened unless reports of any investigation that may have been ordered have been prepared and forwarded to each member of the Privy Council together with the documents necessary for due deliberation.

The order of the day and reports are to be previously forwarded to the Ministers.

REGULATIONS FOR THE CONDUCT OF BUSINESS

OF THE PRIVY COUNCIL

Article I. The Privy Council shall formulate its opinions on matters submitted to its deliberation by order of the Emperor.

Article II. The Privy Council cannot receive petitions, representations, or other communications from the Imperial Diet, from either House of the same, from any Government Office, or from any of Japanese subjects whatever.

Article III. The Privy Council shall have official connection with the Cabinet and with the Ministers only, and officially shall not communicate or have any connection whatever with the Imperial Diet or any of Japanese subjects.

Article IV. The President of the Privy Council shall cause the Chief Secretary thereof to investigate matters submitted to the Privy Council, and also to prepare reports on matters to be submitted to its deliberation.

In case the President deems it necessary he may undertake himself to prepare the above-mentioned reports, or he may appoint one or more of the Privy Councillors for the purpose.

Article V. Reports of investigations shall be forwarded to the President by the person charged with the preparation thereof.

In cases requiring expedition such reports may be made orally. In these cases the essential points of the matters reported upon shall be briefly stated in the record herein referred to in Article VIII.

Article VI. The President may fix the period within which reports of investigation shall be made. The reports shall be prepared with as much dispatch as possible, and no procrastination is allowable.

The Cabinet may, in regard to matters of urgent importance, address communications of that nature to the Privy Council and may also fix the time of deliberation thereon.

Article VII. Copies of reports of investigations, together with copies of accompanying papers, shall be forwarded to each one of the members of the Privy Council, at least three days previous to the opening of the deliberations on the matters in question.

Article VIII. A record shall be kept in chronological order of the deliberations to be held. The matters to be inserted in the said record are:-

1. The nature of the matters to be deliberated upon.
2. The date of the forwarding of papers previous to the opening of the deliberations.
3. The date of actual deliberation, and so forth.

An order of the day, similar in form to the records mentioned in the preceding section, shall be prepared concerning each and every matter to be submitted to deliberation.

The said order of the day shall be forwarded to each member of the Privy Council three days previous to the opening of the deliberations thereon. The forwarding of the said order of the day shall also be regarded as an order to personally attend at the deliberations in question.

Article IX. The days and hours of the deliberations of the Privy Council shall be fixed by the President. The Ministers may, however, request that the day and hour be changed.

Article X. The deliberations of the Privy Council shall be conducted by the President or the Vice-President in conformity with the following rules:-

The President shall cause the Chief Secretary to briefly state the nature of the matter in hand. Upon this members present shall be free to engage in debate on the subject, but none of them shall be allowed to speak without having first obtained the permission of the President. The President shall also be free to take part in the debate. When the debate has concluded the President shall state the question and take the votes thereon. The President shall declare the result of the vote.

Article XI. When a debate on any matter mentioned in the order of the day has not been concluded in one day it may be continued at another meeting. But in that case the formality mentioned above need not be repeated.

Article XII. Decisions arrived at in the Privy Council, by result of the vote case, shall be reduced to writing by the Chief Secretary or the Secretaries, and that statement shall be submitted to the President. The said written decision shall have appended to it the reasons that conduced to it; and, in the case of highly important matters, a memorandum stating the essential points of the debate shall accompany it.

Members present who entertain an opinion opposed to the decision arrived at may request the recording of their votes, and of the reasons for their opinion, in the reports of the debates, in the documents stating the reasons for the opinion of the Privy Council, or in the memorandum stating the essential points of the debate.

Article XIII. The decision mentioned in the preceding article shall be presented to the Emperor, and at the same time a copy thereof shall be forwarded to the Prime Minister.

Article XIV. The reports of the debates of the Privy Council shall be signed by the President and the Chief Secretary or the Secretaries present, in order to secure their accuracy and trustworthiness.